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10/814,053	03/31/2004	Niniane Wang	53051/297275	5717

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EXAMINER

HICKS, MICHAEL J

ART UNIT PAPER NUMBER

2165

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,053

Applicant(s)

WANG ET AL.

Examiner

Michael J. Hicks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 14, 22, and 23 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13, 15-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 18 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/20/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-23 Pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "approximately" in claim 9 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-8, 11, 13, 15-17, and 19-20 rejected under 35 U.S.C. 102(b) as being anticipated by Czerwinski et al. ("Visualizing Implicit Queries For Information Management and Retrieval", CHI '99, 15-20 May, 1999, ACM, Pages 560-567 and referred to hereinafter as Czerwinski).

As per Claims 1 and 15, Czerwinski discloses a method and computer readable medium comprising: associating a keyword with a first user interface area (i.e. *"Implicit Queries are generated automatically, based on the current focus of the user's attention. In our system, the web page that the user has currently selected is the basis for queries launched implicitly in the background...Web pages that are similar to the currently selected page are then highlighted to aid users' organization and use of their web information space."* The preceding text excerpt clearly indicates that context from the currently active window (e.g. keywords) are associated with the currently active window in order to form a query.) (Page 562, Paragraph 3); receiving a signal indicating that the first user interface area is inactive and a second user interface area is active (i.e. *"When the user clicks on a page stored on the Data Mountain, the page is animated forward to a preferred viewing position, as shown in Figure 1. When in the preferred viewing position, another click will put the page back on the Data Mountain in its last known location."* The preceding text excerpt clearly indicates that the window may be switched, or moved, which would incorporate a signal indicating that the first user interface area is inactive and a second user interface area has become active.) (Page 561, Paragraph 6); and generating an implicit search query comprising the keyword (i.e. *"Implicit Queries are generated automatically, based on the current focus of the user's attention. In our system, the web page that the user has currently selected is the basis for queries launched implicitly in the background...Web pages that are similar to the currently selected page are then highlighted to aid users' organization and use of their web information space."* The preceding text excerpt clearly indicates that an implicit query is generated from the identified keywords to identify similar documents.) (Page 562, Paragraph 3).

As per Claim 2, Czerwinski discloses the first user interface area comprises a user interface window (i.e. *"When the user clicks on a page stored on the Data Mountain, the page is animated forward to a preferred viewing position, as shown in Figure 1. When in the preferred viewing position, another click will put the page back on the Data Mountain in its last known location."* The preceding text excerpt clearly indicates that the user interface area may be a window running a program.) (Page 561, Paragraph 2).

As per Claim 3, Czerwinski discloses the first user interface area is associated with a first application (i.e. *"When the user clicks on a page stored on the Data Mountain, the page is animated forward to a preferred viewing position, as shown in Figure 1. When in the preferred viewing position, another click will put the page back on the Data Mountain in its last known location."* The preceding text excerpt clearly indicates that the user interface area may be associated with an application (e.g. Data Mountain).) (Page 561, Paragraph 2).

As per Claim 4, Czerwinski discloses the keyword comprises a plurality of keywords (i.e. *"The query consisted of whatever information was being read or typed into the current emacs buffer."* The preceding text excerpt clearly indicates that the keywords may be multiple keywords (e.g. multiple words in a phrase being typed into a buffer).) (Page 562, Paragraph 8).

As per Claim 5, Czerwinski discloses the first user interface area comprises a document (i.e. *"The query consisted of whatever information was being read or typed into the current emacs buffer."* The preceding text excerpt clearly indicates that the user interface may be an emacs text document. Also note that the text excerpts presented above in relation to the the previous claims indicate

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that the first user interface area could be associated with a HTML document as well.) (Page 562, Paragraph 8).

As per Claim 6, Czerwinski discloses the keyword comprises an attribute of an event (i.e. *"We have initially applied this idea to interaction with documents on the Web, although the interaction technique could be applied to any electronic document management task...Currently the Data Mountain is being used as an alternative to a web browser's favorites or bookmark mechanism. It should be understood that other forms of documents should work equally well in the new environment."* The preceding text excerpt clearly indicates that the keyword could comprise an attribute of an electronic document management task, (e.g. and event).) (Page 561, Paragraphs 2-3).

As per Claims 7 and 16, Czerwinski discloses identifying the keyword in the first user interface area (i.e. *"Implicit Queries are generated automatically, based on the current focus of the user's attention. In our system, the web page that the user has currently selected is the basis for queries launched implicitly in the background...Web pages that are similar to the currently selected page are then highlighted to aid users' organization and use of their web information space."* The preceding text excerpt clearly indicates that the keywords are gleaned from/identified in the first user interface area.) (Page 562, Paragraph 3).

As per Claims 8 and 17, Czerwinski discloses discontinuing use of the keyword after a period of time has elapsed (i.e. *"Implicit Queries are generated automatically, based on the current focus of the user's attention. In our system, the web page that the user has currently selected is the basis for queries launched implicitly in the background...Web pages that are similar to the currently selected page are then highlighted to aid users' organization and use of their web information space."* The preceding text excerpt clearly indicates that the use of the keywords will be discontinued and

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replaced by new keywords after the user has switched focus to another document. Note that some period of time will occur between the creation and discontinuing of the keywords.) (Page 562, Paragraph 3).

As per Claims 9 and 19, Czerwinski discloses storing the keyword and a user interface area identifier in a memory (i.e. Note that any operation performed will have to store data in the a memory. For this particular application, it is necessary to store at least some indication of the user interface, which could be considered a user interface are identifier, and the keyword in memory in order to perform the desired task.).

As per Claims 11 and 20, Czerwinski discloses receiving a result set associated with the implicit search query (i.e. *"Implicit Queries are generated automatically, based on the current focus of the user's attention. In our system, the web page that the user has currently selected is the basis for queries launched implicitly in the background...Web pages that are similar to the currently selected page are then highlighted to aid users' organization and use of their web information space."* The preceding text excerpt clearly indicates that a result set is received in response to the implicit queries and displayed to the user.) (Page 562, Paragraph 3); and causing the result set to be output (i.e. *"Implicit Queries are generated automatically, based on the current focus of the user's attention. In our system, the web page that the user has currently selected is the basis for queries launched implicitly in the background...Web pages that are similar to the currently selected page are then highlighted to aid users' organization and use of their web information space."* The preceding text excerpt clearly indicates that a result set is received in response to the implicit queries and displayed to the user.) (Page 562, Paragraph 3).

Allowable Subject Matter

6. Claims 10, 12, 18, and 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither teaches nor suggest the limitations of weighting or downweighting the measure of a result set of an implicit query based either entirely or in part on a period of time which has elapsed.

7. Claims 14, 22, and 23 allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record neither teaches nor suggest the limitations of weighting or downweighting the measure of a result set of an implicit query based either entirely or in part on a period of time which has elapsed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 8:30a - 5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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